

United States Courthouse
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAR 27 2019

SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

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v.

CRIMINAL NO.: C-19-162-1

CODY MICHAEL MATOUSEK

STIPULATION OF FACT IN SUPPORT OF DEFENDANT'S PLEA

The defendant, CODY MICHAEL MATOUSEK, has agreed to stipulate with the United States Attorney for the Southern District of Texas, Ryan K. Patrick, through the undersigned Assistant United States Attorney, to the following facts. The parties agree that these facts are sufficient to establish the defendant's guilt to the offense alleged in count one of the indictment in cause number C-19-162-1.

I.

The defendant confesses that within the Southern District of Texas on or about February 6, 2019,

- 1) That the defendant and at least one other person made an agreement to commit the crime of knowingly transporting an illegal alien within the U.S. in furtherance of the aliens unlawful presence;
- 2) That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and,
- 3) That one of the conspirators during the existence of the conspiracy knowingly committed some act in furtherance of the conspiracy.

II.

The defendant further stipulates and agrees that:

On February 6, 2019, Border Patrol agents at the Sarita, Texas checkpoint were contacted by a tow truck driver. The tow truck driver indicated to agents that he had been hired by a Hispanic male to haul a broken down vehicle through the checkpoint from Armstrong, Texas to the O'Reiley's Auto Parts store in Kingsville, Texas. When picking up the Ford 500 on the shoulder of Highway 77, the tow truck driver observed a tan medium-sized SUV parked behind the Ford 500. At the checkpoint, the tow truck driver told agents that he felt suspicious about the Ford 500 he was hauling because the driver of the vehicle refused to provide the tow truck driver with the keys to the Ford 500.

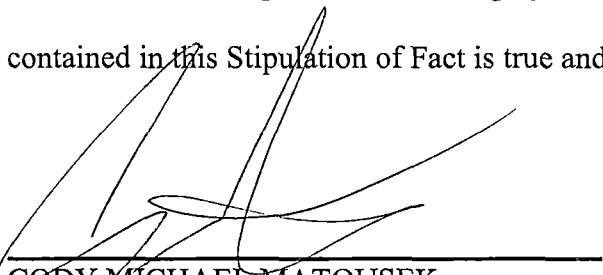
During the inspection, a Border Patrol K-9 alerted to the trunk of the Ford 500. Upon opening the trunk, agents observed two individuals, who both admitted to being illegally present in the United States. The tow truck driver agreed to drop off the Ford 500 in Kingsville to the Hispanic man who hired him.

Border Patrol agents conducted surveillance at the O'Reiley's Auto Parts store in Kingsville, Texas, and observed a tan medium-sized SUV. The SUV then parked in a nearby McDonald's parking lot. Agents observed the Hispanic male, later identified as Guadalupe LEVARIO, exit the SUV and walk towards the O'Reiley's. LEVARIO waived down the tow truck driver and directed where the truck was to be parked, and LEVARIO paid the tow truck driver for the hauling service. LEVARIO was placed under arrest, as well as the two other individuals in the SUV. The driver of the SUV was identified as Cody Michael MATOUSEK. The other passenger of the SUV was identified as Ashley Michelle VOITLE.

Located inside the SUV were numerous iPhones, a backpack, and jackets which the undocumented aliens later identified as their property. The two undocumented aliens located in the trunk of the Ford 500, Thalia Almeida and Renato Andrade-Silva were able to positively identify all three defendants by photo lineup.

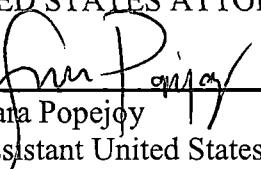
Thalia Almeida and Renato Andrade-Silva told investigators the following: MATOUSEK picked up Almeida and Andrade somewhere near Mission, TX and transported them to a stash house. The next day, MATOUSEK picked them up from the ~~stash house~~ ^{GAS STATION} and brought them to a motel, where MATOUSEK explained the process for them to be smuggled past the checkpoint. LEVARIO was introduced to Almeida at the same hotel, and LEVARIO told Almeida that he would be the one smuggling them past the checkpoint. LEVARIO and his girlfriend VOITLE were staying at the hotel in a neighboring room. The next morning, LEVARIO and VOITLE transported them in a Ford 500. LEVARIO stopped at an abandoned house south of the checkpoint and put both Almeida and Andrade in the trunk of the Ford 500. VOITLE provided Almeida and Andrade water before being concealed in the trunk.

The undersigned have thoroughly reviewed, understand, and agree that the information contained in this Stipulation of Fact is true and correct.


CODY MICHAEL MATOUSEK
Defendant


Alfred Montelongo
Attorney for Defendant

RYAN K. PATRICK
UNITED STATES ATTORNEY

By: 
Sara Popejoy
Assistant United States Attorney